



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,868	03/04/2005	Maarten Peter Bodlaender	P08672USD0	5434
22885 7590 03/03/2009 MCKEE, VOORHEES & SEASE, P.L.C. 801 GRAND AVENUE SUITE 3200 DES MOINES, IA 50309-2721				
EXAMINER LEWIS, JONATHAN V				
ART UNIT		PAPER NUMBER		
2425				
MAIL DATE		DELIVERY MODE		
03/03/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/526,868

Applicant(s)

BODLAENDER, MAARTEN PETER

Examiner

JONATHAN LEWIS

Art Unit

2425

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/888)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11, 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art Van Stam (WO 01/46843) in view of Weston et al. (US PG Pub. No. 2003/0022682).

Regarding claim 1, Van Stam teaches a user terminal for a network (Fig. 1, 11 shows the user terminal, referred to as the client), the user terminal comprising: a local database stored on the user terminal comprising community preference information related to preferences of a community of users (Abstract discloses this claim limitation, where the local database is the lists stored within the client, the user terminal); a processor for determining if a communication with a second user terminal is possible (page 4, lines 8-13 disclose this functionality, and it is inherent to have a processor perform this function because it is not possible to do without one); a transmitter for communicating the priority to the second user terminal if communication is possible (page 6, lines 7-8 discloses the transmission for communication; page 7, lines 33-38 discloses the communication of priority, the ratings that determine correlation – note: priority is a particular order based on a predetermined assignment of value, or importance); a receiver for receiving community preference information from the second

user terminal if communication is possible (page 6, lines 10-13); a database controller for updating the database of community preference information in response to the received community preference information (page 7, lines 2-8 discloses the update in response to preference information); a recommendation processor for generating a recommendation in response to the community preference information of the local database (page 7, lines 4-5 discloses the recommendation/suggestion).

Van Stam teaches all the claim limitations as stated above, except the elements of community preference information are transmitted in the order of highest priority.

However, Weston et al. teaches the elements of community preference information are transmitted in the order of highest priority (page 1, 0002; 0005).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to transmit data in order of highest priority, in order to optimize the usage of available bandwidth, while maintaining the integrity of the data and ensuring the most important data is received first.

Regarding claim 2, Van Stam in view of Weston et al. teaches all the claim limitations as stated above, except the community preference information relates to media clips and the recommendation is of a media clip.

However, Van Stam teaches the community preference information relates to media clips and the recommendation is of a media clip (page 5, line 16).

Regarding claim 3, Van Stam in view of Weston et al. teaches all the claim limitations as stated above, except the user terminal is a wireless user.

However, Van Stam teaches the user terminal is a wireless user (page 4, lines 27-28).

Regarding claim 4, Van Stam in view of Weston et al. teaches all the claim limitations as stated above, except the communication with the second user terminal is over a direct wireless link between the user terminal and the second user.

However, Van Stam teaches the communication with the second user terminal is over a direct wireless link between the user terminal and the second user (page 4, lines 27-28; lines 34-36).

Regarding claim 5, Van Stam in view of Weston et al. teaches all the claim limitations as stated above, except the local database is operable to comprise community preference information related to the whole community is stored.

However, Van Stam teaches the local database is operable to comprise community preference information related to the whole community is stored (page 5, lines 25-30).

Regarding claim 6, Van Stam in view of Weston et al. teaches all the claim limitations as stated above, except the user terminal is operable to communicate community preference information from the local database to the second user terminal if communication with the second user terminal is possible.

However, Van Stam teaches the user terminal is operable to communicate community preference information from the local database to the second user terminal if communication with the second user terminal is possible (page 6, lines 21-26).

Regarding claim 7, Van Stam in view of Weston et al. teaches all the claim limitations as stated above, except the user terminal is operable to communicate with the second user terminal using a peer to peer protocol.

However, Van Stam teaches the user terminal is operable to communicate with the second user terminal using a peer to peer protocol (page 5, lines 32-37).

Regarding claim 8, Van Stam in view of Weston et al. teaches all the claim limitations as stated above, except the received community preference information comprises time information and the database controller is operable to update the community preference information of the local database in response to this time information.

However, Van Stam teaches the received community preference information comprises time information and the database controller is operable to update the community preference information of the local database in response to this time information (page 7, lines 2-4 disclose the time information with the recording history, and the update is the changing of the list).

Regarding claim 9, Van Stam in view of Weston et al. teaches all the claim limitations as stated above, except the community preference information comprises a user rating.

However, Van Stam teaches the community preference information comprises a user rating (page 5, line 18).

Regarding claim 10, Van Stam in view of Weston et al. teaches all the claim limitations as stated above, except the user terminal further comprises means for communicating the recommendation to another user terminal.

However, Van Stam teaches the user terminal further comprises means for communicating the recommendation to another user terminal (page 6, lines 21-26).

Regarding claim 11, Van Stam in view of Weston et al. teaches all the claim limitations as stated above, except the user terminal further comprises an interface for receiving community preference information from the Internet.

However, Van Stam teaches the user terminal further comprises an interface for receiving community preference information from the Internet (page 4, lines 22-23).

Regarding claim 13, Van Stam in view of Weston et al. teaches all the claim limitations as stated above, except the received community preference information is received in a prioritized order.

However, Van Stam teaches the received community preference information is received in a prioritized order (page 7, lines 10-29).

Regarding claim 14, Van Stam in view of Weston et al. teaches all the claim limitations as stated above, except a network comprising at least one user terminal as claimed in claim 1.

However, Van Stam teaches a network comprising at least one user terminal as claimed in claim 1 (Fig. 1).

Regarding claim 15, Van Stam in view of Weston et al. teaches all the claim limitations as stated above, except the data network is a peer to peer data network.

However, Van Stam teaches the data network is a peer to peer data network (Fig. 2).

Regarding claim 16, Van Stam in view of Weston et al. teaches all the claim limitations as stated above, except the data network comprises a plurality of wireless user terminals according to claim 6, and wherein at least one of the plurality of wireless user terminals are operable to receive community preference information from a fixed network and distribute the community preference information from the fixed network to other wireless user terminals.

However, Van Stam teaches the data network comprises a plurality of wireless user terminals according to claim 6, and wherein at least one of the plurality of wireless user terminals are operable to receive community preference information from a fixed network and distribute the community preference information from the fixed network to other wireless user terminals (page 4, lines 27-28).

Regarding claim 17, Van Stam in view of Weston et al. teaches all the claim limitations as stated above, except the fixed network is the Internet.

However, Van Stam teaches the fixed network is the Internet (page 4, lines 22-23).

Regarding claim 18, Van Stam in view of Weston et al. teaches all the claim limitations as stated above, except the at least one wireless user terminal is operable to distribute the community preference information from the fixed network while disconnected from the fixed network.

However, Van Stam teaches the at least one wireless user terminal is operable to distribute the community preference information from the fixed network while disconnected from the fixed network (page 8, lines 9-20 disclose the systems are in parallel with each other, operable separately).

Method and computer readable medium claims 19-20 are rejected for the same reasons as stated above in the corresponding apparatus and system claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Byrnes et al. US PG Pub. No. 2002/0002705
- b. Datai US Pat. No. 6,418,169
- c. Ghashghai et al. US PG Pub. No. 2003/0037333
- d. Shridhar et al. US PG Pub. No. 2003/0208754
- e. Reisman US PG Pub. No. 2003/0229900

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN LEWIS whose telephone number is (571)270-3233. The examiner can normally be reached on Mon - Fri 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on (571) 272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425